

## **Remarks**

### **Introduction**

Receipt is acknowledged of the Office Action dated March 19, 2002. In the Action, the Examiner has withdrawn claims 17-43 and 54-64 from consideration as being drawn to a non-elected invention. Of the elected claims, the Examiner has rejected claims 1-16 as allegedly indefinite. The Examiner also has rejected claims 44-47, 52, and 53 under alleged double patenting. The Examiner has also rejected claims 1-16 as allegedly obvious.

### **Indefiniteness**

The Examiner has rejected claims 1-16 as allegedly indefinite. Specifically the Examiner asserts that the recited compositions must recite at least two components. Without acquiescing in the legal correctness of the rejection, but to gain allowance for the instant application, Applicants have amended claims 1 and 12 in a manner overcoming the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

### **Double Patenting**

The Examiner has rejected claims 44-47, 52 and 53 under alleged obviousness-type double patenting over claims 1-6 of U.S. Patent No. 6,224,873. The Examiner has also rejected claims 48-51 under alleged obviousness-type double patenting over claims 1-16 of U.S. Patent No. 6,340,482. Applicants respectfully request that the Examiner reserve these rejections until allowable subject matter has been indicated.

### **Obviousness**

The Examiner has rejected claims 1-16 as allegedly obvious over Colker or Jones, as respectively indicated as R and S on Form PTO-892. Applicants respectfully submit the instant application takes priority from U.S. Serial No. 09/573,324 filed May 18, 2000 which is a continuation of Serial No. 09/142,197 filed August 31, 1998, now U.S. Patent No. 6,224,873, which is the U.S. national phase filing of International Application No.

PCT/US96/16213, filed September 30, 1996. The instant application, therefore, takes priority from International Application No. PCT/US96/16213, filed September 30, 1996, which antedates the publication dates of both Colker and Jones. Accordingly, Colker and Jones are not prior art to the instant application. Reconsideration and withdrawal of the rejection are respectfully requested.

**Conclusion**

In view of the foregoing remarks, reconsideration of the application and indication of allowable subject matter are requested. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the number below.

Respectfully submitted,

Sept 16, 2002  
Date

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1. (Amended) A weight reduction composition, wherein the improvement comprises at least one of the substances selected from the group consisting of synephrine, hordenine, octopamine, tyramine 4 and N-methyltyramine **and a pharmaceutically acceptable carrier.**

12. (Amended) An improved composition of a material derived from Citrus species and varieties of plants to cause weight loss and control body weight, wherein said material comprises at least one of the substances selected from the group consisting of synephrine, hordenine, octopamine, tyramine and N-methyltyramine **and a pharmaceutically acceptable carrier.**